

ILLINOIS POLLUTION CONTROL BOARD

March 20, 2008

IN THE MATTER OF: )  
)  
PROPOSED AMENDMENTS TO ) R08-18  
GROUNDWATER QUALITY STANDARDS,) (Rulemaking – Public Water Supply)  
35 IL. ADM. CODE 620 )

ORDER OF THE BOARD (by T.E. Johnson):

On February 19, 2008, the Board received a rulemaking proposal from the Illinois Environmental Protection Agency (Agency) to amend the Board's groundwater quality rules, which are set forth in Part 620 of Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code 620). Today, the Board accepts the Agency's proposal for hearing.

The Board's Part 620 groundwater quality rules were originally adopted in November 1991. *See* Groundwater Quality Standards (35 Ill. Adm. Code 620), R89-14(B) (Nov. 7, 1991). The rules implement provisions of both the Environmental Protection Act (Act) (415 ILCS 5 (2006)) and the Illinois Groundwater Protection Act (415 ILCS 55 (2006)). As the Agency notes in the Statement of Reasons for its current proposal:

it is periodically necessary to amend the Groundwater Quality Standards to account for new scientific data, update the groundwater standards that have been amended at the federal level, update technical references that are in the Incorporations by Reference, and address any additional groundwater parameters that have been discovered. Statement at 2; *see, e.g.,* Proposed MTBE and Compliance Determination Amendments To Groundwater Quality Standards: 35 Ill. Adm. Code 620, R01-14 (Jan 24, 2002) (amending groundwater quality regulations to include methyl tertiary-butyl ether (MTBE)).

To that end, the proposed amendments, which are filed under Section 27 of the Act (415 ILCS 5/27 (2006)), are "intended to keep the regulations current as the science and technical data behind the standards evolves." Statement at 2.

The Agency's proposal is accompanied by a motion to waive the requirement to file one of the amended documents proposed for incorporations by reference, specifically:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA [United States Environmental Protection Agency] Publication No. SW-846, as amended by Updates I, II, IIA, IIB, III, IIIA, and IIIB, prepared by USEPA and available from National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 or online at <http://www.epa.gov/epaoswer/hazwaste/test/main.htm>. Motion at 1.

The Agency maintains that this voluminous, multiple-volume reference is already in the Board's possession and would be unduly burdensome and costly to copy. *Id.* The Board grants the motion.

The Board finds that the Agency's rulemaking proposal satisfies the content requirements of 35 Ill. Adm. Code 102.202. The Board accepts the proposal for hearing. The Board directs the hearing officer assigned to proceed expeditiously under the Title VII rulemaking provisions of the Act (415 ILCS 5/27, 28 (2006)) and the Board's procedural rules (35 Ill. Adm. Code 102).

IT IS SO ORDERED.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on March 20, 2008, by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

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John Therriault, Assistant Clerk  
Illinois Pollution Control Board